

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 307.12, 307A.2 and 316.9, the Iowa Department of Transportation hereby gives Notice of Intended Action to amend Chapter 111, “Real Property Acquisition and Relocation Assistance,” Iowa Administrative Code.

Iowa Code section 316.9 requires the Department to adopt administrative rules to ensure compliance with federal Uniform Relocation Assistance and Real Property Acquisition Policies (Uniform Act). To comply with this rule-making requirement, the Department adopts by reference Section II of the manual entitled “Uniform Manual, Real Property Acquisition and Relocation Assistance.” This manual, which is published by the Department and available on the Department’s Web site at www.iowadot.gov, is based on federal regulations, 49 CFR Part 24, which implement the Uniform Act.

This rule making proposes to adopt a new edition of Section II of the manual. Section II is revised to reflect changes made to 49 CFR Part 24. The revised federal regulations include some technical changes. Some of the more significant changes are:

- Occupancy requirement for homeowner’s reduction and replacement housing payment monetary limit increase.
 - o Reduction of 180-day occupancy to 90-day occupancy.
 - o Increase of 90-day homeowner payment from \$22,500 to \$31,000.
- Replacement housing payment limit increase for tenants.
 - o Monetary increase for 90-day tenants from \$5,250 to \$7,200.
- Moving and related expenses.
 - o Increase in business reestablishment payment monetary limit from \$10,000 to \$25,000.
 - o Monetary increase in fixed payments in lieu of actual moving and reestablishment expenses from \$20,000 to \$40,000.
- Increase in the appraisal waiver limit from \$10,000 to \$25,000.

A marked-up draft of the proposed changes to this manual is available at <http://www.iowadot.gov/rightofway/manuals.html>.

Other proposed amendments correct an Iowa Code citation and add a reference to the Department’s Web site.

These rules do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Any person or agency may submit written comments concerning these proposed amendments or may submit a written request to make an oral presentation. The comments or request shall:

1. Include the name, address, and telephone number of the person or agency authoring the comments or request.
2. Reference the number and title of the proposed rule, as given in this Notice, that is the subject of the comments or request.
3. Indicate the general content of a requested oral presentation.
4. Be addressed to Tracy George, Rules Administrator, Iowa Department of Transportation, Operations and Finance Division, 800 Lincoln Way, Ames, Iowa 50010; e-mail: tracy.george@iowadot.us.
5. Be received by the Department’s rules administrator no later than May 16, 2017.

A meeting to hear requested oral presentations is scheduled for Thursday, May 18, 2017, at 10 a.m. at the Administration Building, Third Floor Conference Room, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa.

The meeting will be canceled without further notice if no oral presentation is requested.
After analysis and review of this rule making, no impact on jobs has been found.
These amendments are intended to implement Iowa Code section 316.9.
The following amendments are proposed.

ITEM 1. Amend rule 761—111.1(316), introductory paragraph, as follows:

761—111.1(316) Acquisition and relocation assistance manual. The ~~April 2006~~ September 2017 edition of Section II of the manual entitled “Uniform Manual, Real Property Acquisition and Relocation Assistance” is adopted by reference.

ITEM 2. Amend paragraph **111.1(2)“d”** as follows:

d. In accordance with Iowa Code subsection ~~316.9(4)~~ 316.9(3), an entity that provides relocation assistance benefits for any program or project is required to provide an appeal process, regardless of the source of funding for the program or project. The appeal process provided shall not diminish the rights of the appellant or the scope of the appeal as described in Section II.

ITEM 3. Amend subrule 111.1(3) as follows:

111.1(3) Availability of manual. Copies of the manual or portions thereof are available from the Office of Right of Way, Iowa Department of Transportation, 800 Lincoln Way, Ames, Iowa 50010; or on the department’s Web site at www.iowadot.gov.